



Montana Board of Environmental Review

P. O. Box 200901 • Helena, MT 59620-0901 • (406) 444-2544 • Website: www.deq.state.mt.us

MINUTES FRIDAY – SEPTEMBER 26, 2003

Call to Order

The Board of Environmental Review's regularly scheduled meeting was called to order by Chairman Russell at 9:06 a.m., on Friday, September 26, 2003, in Room 111 of the Metcalf Building, 1520 East Sixth Avenue, Helena, Montana.

Attendance

Board Members Present: Chairman Joseph Russell, Dr. Garon Smith, Ward Shanahan, Russ Hudson, Susan Kirby Brooke and David Fishbaugh

Board Members Absent: Kim Lacey

Board Attorney(s) Present: Tom Bowe and Kelly O'Sullivan, Attorney General's Office, Department of Justice

Board Secretary Present: Joyce Wittenberg

Court Reporter Present: Laurie Crutcher

Department Personnel Present: Jan Sensibaugh, Director; Tom Livers, Deputy Director; John North, Chief Legal Counsel, Legal Unit (Legal), DIR; Claudia Massman, Legal, DIR; Jolyn Eggart, Legal, DIR; David Rusoff, Legal, DIR; James Madden, Legal, DIR; Keith Jones, Legal, DIR; Steve Welch, Administrator, Permitting & Compliance Division (PCD); Judy Hanson, PCD; Don Vidrine, Chief, Air & Waste Management Bureau (AWMB), PCD; Sara Williamson, AWMB, PCD; Jan Brown, AWMB, PCD; Charles Homer, AWMB, PCD; Eric Merchant, AWMB, PCD; David Klemp, AWMB, PCD; Debbie Skibicki, AWMB, PCD; David Aguirre, AWMB, PCD; Bonnie Lovelace, Chief, Water Protection Bureau (WPB), PCD; Tom Reid, WPB, PCD; Eric Regensburger, WPB, PCD; Jon Dilliard, Chief, Community Services Bureau (CSB), PCD; Rick Thompson, CSB, PCD; Neil Harrington, Chief, Industrial & Energy Minerals Bureau, PCD; John Arrigo, Administrator, Enforcement Division (ENF); Chris Levine, Resource, Protection & Planning Bureau (RPPB), Planning, Prevention & Assistance Division (PPAD); Mike Suplee, RPPB, PPAD; Robert Ray, RPPB, PPAD; John Coefield, Monitoring & Data Management Bureau, PPAD; Sandi Olsen, Administrator, Remediation Division (RD); David Scrimm, Technical Services Bureau, RD; John Koerth, Mine Waste Cleanup Bureau, RD

Interested Persons Present (*Disclaimer: Names are spelled as best they can be read from the official sign-in sheet.*): Mary Beth Marks, USDA Forest Service; Harmon Ranney; Patrick Judge, Montana Environmental Information Center (MEIC); Don Allen, Western Environmental Trade Association; Rich Southwick, Great Northern Power Development; J. Chris Pfahl, ASARCO; Gail Abercrombie, Montana Petroleum Association; Anne Hedges, MEIC; Matt Clifford, Clark Fork Coalition

I. ADMINISTRATIVE AGENDA ITEMS

- A. Review and approve minutes of August 1, 2003 meeting.

Dr. Smith MOVED to APPROVE the minutes. Ms. Brooke SECONDED the motion. The motion CARRIED with a unanimous VOTE.

II. BRIEFING AGENDA ITEMS

- A. CONTESTED CASE UPDATE

1. Cases assigned to Hearing Officer Kelly O'Sullivan

- a. In the matter of **Town of Geraldine's Montana Pollutant Discharge Elimination System Permit (MPDES) No. MT-002-0826**.

Ms. O'Sullivan said the Department had determined that the receiving waters are ephemeral. She said the parties were hopeful that the matter could be resolved through changes to the permit and that there would be a settlement in the near future.

- b. In the matter of **Margrit Matter (BER 2003-10 SUB)**.

Ms. O'Sullivan stated that she had granted a 60-day extension, until November 24, at the request of the parties, for settlement discussions.

2. Cases assigned to Hearing Officer Tom Bowe

- a. In the matter of **M&W Investments, Inc. (EQ #01-1457 and #00-1822)**.

Mr. Bowe informed the Board that the contested case process had been stayed while additional monitoring was conducted.

- b. In the matter of **CR Kendall Corporation (BER 2002-09 MM)**.

Mr. Bowe said he had granted a request of the parties to have additional time to submit a proposed schedule. He said a proposed schedule is due November 7.

- B. OTHER BRIEFING ITEMS

1. Annual Review of Temporary Water Quality Standards Adopted for the New World Mining District.

Chairman Russell explained that the Board was unable to hear this review at the June meeting. Mr. Livers stated that the Forest Service had been unable to attend and present at the August meeting.

Mary Beth Marks of the USDA Forest Service spoke regarding the progress of the project and referred to the 2003/2004 final work plan, which had been provided in the June Board packet. She also explained that a revised support document and implementation plan had been submitted. Ms. Marks said she had copies of a project summary of the ongoing activities, if any of the Board members were interested.

Ms. Marks said work at the McClaren Pit had begun in 2002. She explained that the waste rock had been consolidated, that run-on and run-off channels had been constructed, and to date eleven acres had been covered with liner. She said completion of cleanup work for the response action is expected mid-October.

Ms. Marks said construction of the cleanup for the Glengarry Adit had also been started this year and explained what the ongoing work would entail. Ms. Marks explained that there were several remaining cleanup projects planned and that construction work on them was expected to begin in 2005. She said they also expect that final reclamation of the repository would be completed in 2005 and that they would also begin restoration of roads in the district in 2005.

Ms. Marks said the Forest Service anticipates response action work in 2006 will involve implementing a preferred alternative for the remaining adit discharges in the district. She said that by 2007 they expect to continue monitoring their work and to proceed on cleanup of non-district property, if any cleanup funds remain.

Mr. Hudson inquired as to the funding: how much had been spent and how much remained. He also wanted to know if the water quality was better now than when the project was started.

Ms. Marks replied that there was \$18.5 million remaining as of early September, but she could not answer how much had been spent.

Dr. Smith viewed the minimum pH levels coming up as an optimistic sign.

2. Review of Agency Fees.

Mr. Livers presented a new document that included a revision to the solid waste fees and that this was the only difference from the original chart. Explaining the fees on the chart, he said the air quality fees were pretty straightforward, that the DEQ was not expecting to come before the Board this year or next regarding the water quality discharge permit fees, and that there was a declining fund balance in the public water supply and planning and specification review fees, which had not been changed since the early 1990s. Mr. Livers said the change in the handout, regarding the solid waste fees, dealt with projected revenues and that the DEQ expected to have final adoption before the Board in December.

3. Upper Blackfoot Mining Complex Temporary Water Quality Standards.

Christian Levine reminded the Board of the written summary of the effects of removing the temporary water quality standards that was included in the Board packets. He said that the TMDL targets would not be affected, but new funding would have to be sought and the permit would require modifications. Mr. Levine said that as long as all of the parties involved continue to work together in a timely manner, B-1 standards should be met.

Discussion took place regarding: the lack of ground work being done due to the delay with getting the AOC signed; having the Board review the annual work plan at its March meeting; ASARCO's payment of arrearages of permit fees; and the tour of the site that the Board would make in early summer.

4. Top-Down BACT Analysis Rule.

Charles Homer reminded the Board that they had requested that the DEQ develop a rule to formally require a Top-Down BACT process. He said some draft rule language, as well as a preliminary Top-Down BACT manual, was included in the Board packet. The rule would require air quality permit applicants to submit a Top-Down BACT analysis, prepared in accordance with the requirements of the manual, as part of their application. He said the manual was prepared based on a portion of the EPA's draft NSR procedures manual. The manual would be incorporated by reference into the Administrative Rules. The Top-Down BACT requirement would then be

enforceable. Mr. Homer described three options that would explain the types of air quality permit applications to which the rule would apply.

Dr. Smith encouraged the Department to document their evaluation steps carefully.

Mr. Homer stressed that the requirement would be on the applicant to document the control technologies, which ones were excluded and why. He said the Department would review it and agree or disagree, or require additional information or documentation.

Discussion took place regarding the manual being taken nearly verbatim from the EPA NSR manual, particularly the statement "...plus or minus 30 percent accuracy." Also discussed was the impact this might have on applicants, especially the smaller applicants.

Mr. Hudson complimented Mr. Homer, saying that he felt as if this is what the Board had asked for and that Mr. Homer's presentation had opened his eyes as to which applicants this might affect.

Mr. Livers reminded the Board that the agenda item was noticed as a briefing item and the DEQ was not asking the Board to make a decision on this at this point.

Chairman Russell asked if anyone from the public would like to speak to the matter.

Anne Hedges suggested that the Board recommend to the Department to not limit the scope right now by choosing one of the three options defining which applicants the rule would apply to, but to keep it broad at the moment.

Gail Abercrombie said a concern of industry is the possibility of spending a lot of money analyzing a BACT process that would not be used. She offered an example that if you were installing a \$100,000 unit and one of the BACT controls was going to cost \$1 million, you would not use that BACT.

Don Allen urged the Board to be careful and to move slowly, rather than to adopt something that is very broad. He said this has some different implications in terms of other things going on, such as visibility.

Mr. Livers reminded the Board that this was not an action item; therefore, the board could not be polled. He said the Department was interested in hearing thoughts of individual Board members, including on the timing of rule development.

Dr. Smith said he was inclined to start out all-inclusive, so the Board could find out what some of the smaller businesses think about this. He said it is easier to start with a broader rule and narrow it down than to start with something that's too narrow and have to amend and renote it.

Mr. Shanahan agreed with Dr. Smith.

Mr. Fishbaugh said he would agree also, but would like a better definition of BACT for Option No. 1 for the smaller sources.

Ms. Brooke said she would like to hear from the public on the issue.

Mr. Hudson said he really wanted to know what implications the public sees as coming about.

Chairman Russell said a public process to develop a potential rule requiring the Department to use Top-Down BACT appeared to be in order. He directed Department staff to move forward with rulemaking and said he would like to see it noticed with all three options.

Mr. Livers said the Department would anticipate rulemaking at the first meeting in 2004.

5. The EPA has completed its review of the EC/SAR water quality standards and has approved the EC and SAR water quality standards for the Tongue River, Powder and Little Powder rivers, Rosebud Creek and the tributaries to these streams as well as the nondegradation policy amendments pertaining to EC and SAR and the use of flow based nondegradation review and permitting. Wyoming has expressed some concern to EPA regarding how these standards could affect its CBM permitting.

Mike Suplee informed the Board that the Region 8 EPA had approved the EC and SAR standards for the Tongue and Powder Region. He said that the letter stated that the numbers chosen were good and would protect beneficial uses, including agriculture. The letter suggested the Department outline how it would deal with and implement the flow-based permitting component and that it develop ways to evaluate changes in biological integrity or changes to aquatic life that are currently there.

Mr. Suplee said the Department was copied on the letter from the Wyoming DEQ that was sent to Region 8. The letter expressed concern that Montana's EC and SAR standards were not developed in a thoroughly informed way. The letter also stated that, depending on the outcome of the TMDL, Wyoming might ask the EPA to reconsider its approval of those standards.

Mr. Suplee reminded the Board that representatives of the Wyoming DEQ had attended some of the Board meetings during the standards development process and that two members of the Wyoming DEQ sit on the Tongue/Powder Modeling Committee.

Chairman Russell expressed his dissatisfaction with the Wyoming letter and discussion commenced between Board members on the subject. Board members expressed a desire to be kept informed on the number of permits issued and on any communications of this sort.

Mr. Hudson inquired whether the standards set by the tribe were more lenient or more restrictive than those set by the Board. Mr. Suplee indicated that the tribal standards for the Tongue River were more stringent than the Board's, but since the tribe was not recognized as a state, the Board's standards would be in effect.

Chairman Russell asked if anyone from the public wanted to speak to the matter. No one responded. He also opened the floor to anyone wanting to comment on any of the briefing items already discussed. There was no response.

III. ACTION AGENDA ITEMS

A. REPEAL, AMENDMENT OR ADOPTION OF FINAL RULES:

1. In the matter of the amendment of ARM 17.38.602 and 17.38.603 pertaining to definitions and administrative enforcement procedures under the Public Water Supply Law.

John Arrigo said the amendments update and delete some definitions, clarify how the Department sends violation letters, and clarify when an order can be issued. He said the amendments also add public sewage systems to the list of regulated units. Mr. Arrigo informed the Board that no comments were received on these rules and that the Department recommends adoption of the proposed amendments.

Brief discussion took place regarding previous dealings with these rules. Chairman Russell asked if anyone from the public had comments regarding the proposed amendments. There was no response.

Ms. Brooke MOVED that the Board adopt the amended rules as originally proposed, the presiding officer's report and the 521 and 311 analyses. Mr. Hudson SECONDED the motion. The motion CARRIED with a unanimous VOTE.

2. In the matter of the amendment of ARM 17.30.716 to revise nonsignificant categories for subdivisions.

Eric Regensburger said the proposed rule was a modification of existing nondegradation exemptions for subdivision reviews. He said the Department had made two changes from the original proposal, based on public comments. The first modification was to reduce the maximum allowable background ground water nitrate concentrate from 3 mg/l to 2 mg/l. That change was based on data from USGS studies that state that 2 mg/l is the concentration indicative of anthropogenic impacts to groundwater. The second modification was to re-insert the petition process that is in the current rule with some changes to simplify it. This change was based on public comments requesting the petition process be retained and simplified.

Mr. Shanahan MOVED that the Board adopt the amended rule.

Matt Clifford said the Clark Fork Coalition was pleased to see the change in lowering the background concentration from three to two parts per million and that they feel the change is very well supported.

Dr. Smith commended the Department on the thoroughness of the responses to comments.

The Board was reminded of the motion on the floor. Ms. Brooke SECONDED the motion. The motion was to include adoption of the 511 and 321 analyses, as well as the presiding officer report. A VOTE was taken and the motion CARRIED unanimously.

3. In the matter of the amendment ARM 17.8.501, 17.8.504, 17.8.505, 17.8.511, 17.8.514, and 17.8.515 for the annual adjustment of air quality operation fees.

Charles Homer reiterated Chairman Russell's brief description, stating that this was just an annual adjustment of the air quality operation fees. He said no comments were received.

Discussion commenced regarding the earlier review of agency fees financial report and the fees listed on it for air quality.

Chairman Russell asked if anyone from the audience would like to speak to this rulemaking. No one responded.

Chairman Russell called for a motion to adopt the rules, accept the presiding officer report, and accept the 521 and 311 analyses. Dr. Smith so MOVED. Mr. Fishbaugh SECONDED the motion. The motion CARRIED with a unanimous VOTE.

4. In the matter of the amendment of ARM 17.8.749, 17.8.759, 17.8.763 and 17.8.764 to implement House Bill 427, enacted by the 2003 Montana Legislature.

Mr. Homer explained the rule change as implementing House Bill 427, which directed the Department to establish rules for a 30-day comment period on some draft air quality permits and to establish a 75-day deadline for final action on those permits in order to allow for the 30-day

comment period. He said comments were received from the EPA and he explained what the comments were.

Chairman Russell inquired if anyone from the public would like to speak to the rulemaking. No one responded.

Chairman Russell called for a motion to adopt the amended rules and to accept the presiding officer report and the 521 and 311 analyses. Ms. Brooke so MOVED. Dr. Smith SECONDED the motion. The motion CARRIED with a unanimous VOTE.

B. INITIATION OF RULEMAKING AND APPOINTMENT OF HEARING OFFICER:

1. In the matter of DEQ's request to amend the rules and regulations governing the Opencut Mining Act at ARM 17.24.201 through 17.24.215.

Neil Harrington provided some background information on the proposed rules. He said some of the changes were reflective of changes to state law and a lot of the changes were a combination of issues that accumulated over the years. He said many of the changes were intended to help communication.

John North provided information on other changes, including the sections "AUTH" and "IMP". He gave details of the specific sections affected.

Chairman Russell asked if anyone from the public would like to comment on the rulemaking. No one responded.

Chairman Russell called for a motion to initiate the rulemaking and to appoint Mr. Bowe as the presiding officer. Mr. Shanahan so MOVED. Mr. Fishbaugh SECONDED the motion. The motion CARRIED with a unanimous VOTE.

2. In the matter of DEQ's request to amend an air quality rule (ARM 17.8.1213) to incorporate changes to 40 CFR 70.6(c)(5)(iii)(B) and 70.6(c)(5)(iii)(C).

Charles Homer said the Department was requesting the Board initiate rulemaking to incorporate federal changes to the Title V requirements. He said the changes had been discussed with the CAAAC group and they had no questions or comments.

Chairman Russell asked if any member of the public would like to speak to the rulemaking request. There was no response.

Chairman Russell called for a motion to initiate rulemaking and to appoint Kelly O'Sullivan as presiding officer. Dr. Smith so MOVED. Mr. Shanahan SECONDED the motion. The motion CARRIED with a unanimous VOTE.

C. FINAL ACTION ON APPEALS:

1. In the matter of **ExxonMobil Refining & Supply Co. (BER 2003-01 WQ)**.

Mr. Bowe said the packets contained a joint stipulation for dismissal, a proposed order for the Chairman to sign and other documents. He recommended approval of the stipulation.

Chairman Russell called for a motion to have him sign the order dismissing the appeal, issuing the permit, and staying specific conditions of the permit. Mr. Hudson so MOVED. Mr. Shanahan SECONDED the motion. The motion CARRIED with a unanimous VOTE.

2. In the matter of **Sterling Mining Company's MPDES Permit #MT0030287 (BER 2003-06 WQ)**.

Mr. Bowe explained that there had been an appeal dealing with permit fees, the permit fees were paid, the attorneys reached a stipulation and he had suspended the proceedings pending approval by the Board.

Chairman Russell called for a motion to authorize him to sign the order dismissing the case with prejudice. Mr. Fishbaugh so MOVED. Dr. Smith SECONDED the motion. The motion CARRIED with a unanimous VOTE.

Mr. Shanahan recused himself from this matter; the company is a client of his law firm.

3. In the matter of the Notice of Violation and Statement of Proposed Penalty issued to **Richard Grosswiler (BER 2003-09 OC)**.

Mr. Bowe informed the Board that the parties had reached a stipulation and that a proposed order of dismissal was included for the Chairman to sign.

Chairman Russell called for a motion to authorize him to sign the order. Mr. Shanahan so MOVED. Mr. Fishbaugh SECONDED the motion. The motion CARRIED with a unanimous VOTE.

4. In the matter of **Spoklie's South Valley Gravel's Mined Land Reclamation Permit #SRL-001 (BER 2003-07 OC)**.

Mr. Bowe said the parties had reached a stipulation to settle and recommended that the Chairman be authorized to sign the order to dismiss the case. Mr. Shanahan so MOVED. Ms. Brooke SECONDED the motion. The motion CARRIED with a unanimous VOTE.

5. In the matter of **Crystal View Estates, Flathead County (EQ #01-1095) (BER 2003-05 SUB)**.

Chairman Russell recused himself and left the room.

An attempt was made to reach Mr. DeJana by telephone, but there was no answer. Mr. Livers suggested moving on to the next item and then coming back to this one and trying to reach Mr. DeJana again at that time. The Board addressed item III.C.6, then returned to this item.

Mr. DeJana was patched into the Boardroom conference phone.

Mr. Bowe said that the contested case arose from the revocation by DEQ of the certificate of approval under the Sanitation in Subdivisions Act, based on information that the lots were in proximity to public water and sewer lines and therefore should have been connected to those lines. He reminded the Board that they had previously approved his proposed decision denying Crystal View's motion to add Flathead County and the Flathead City-County Health Department as parties to the case. He said that around the same time DEQ filed a motion for summary judgment and Crystal View had filed a motion for judgment on the pleadings and a motion to transfer to District Court. He said the issues were fully briefed and a hearing had been conducted on the motions prior to the proposed decision being issued. Crystal View then filed exceptions to the proposed decision.

Mr. Shanahan inquired about the violation letter Crystal View received. He wanted to know who the violator was and what was violated.

Mr. Bowe said the more fundamental issue was what authority DEQ had to revoke the subdivision approval. He said if DEQ did have authority to do so in the absence of a violation by the

holder of a subdivision certificate, then it did not matter whether the subdivision was a violator. He referred to Montana Code Annotated Section 76-4-108, Subparagraph (5) as the authority DEQ has relied on for the authority.

Mr. Bowe said that he interprets the statute as not requiring that the person granted the certificate be the person who committed the violation. He also said that where the Government has made a mistake, the Government has inherent authority to correct the mistake.

Mr. Shanahan said that the basis of his question was whether the objective was to make sure the environmental law was followed. He said regardless of who made the mistake, an order was proper to correct the mistake.

Mr. Hudson discussed the original application and stated that the application is in two parts. He said, and asked to be corrected if he was wrong, that Flathead County does not require the applicant to complete Part 2 for the small subdivisions. He said Part 2 is where the applicant is asked whether the water and sewer district is within 500 feet of the proposed subdivision. He also said he understood there was a fire hydrant adjacent to the subject tract.

Mr. Bowe said that those were issues of fact and weren't really relevant. He said that even if the Government was at fault, he would still conclude that the Government has the authority to revoke the certificate because it was issued in violation and the Government has inherent authority to correct its mistakes.

Further discussion took place regarding action the Department took, an attempt to rewrite the permit after the Department revoked the original certificate of approval, and Crystal View's decision to not have the permit rewritten but to pursue it as a contested case. Also discussed was Crystal View's option to seek judicial review in District Court and an estoppel argument made by Crystal View.

Mr. DeJana asked which Board member had mentioned the fire hydrant. He was concerned because that "fact" had not been in the record. It had been Mr. Hudson.

Mr. Bowe reminded everyone that the disputes of fact were not material. He said that even if Crystal View were innocent, the certificate was still issued in violation of the rules. Mr. Bowe explained that in granting the motion for summary judgment, the Board would not be determining any facts.

Dr. Smith said the first thing the Board needed to decide was Crystal View's motion to transfer to District Court. Mr. Bowe had recommended denial of the motion. Ms. Brooke MOVED that the Board deny the motion. Mr. Shanahan SECONDED the motion. The motion CARRIED unanimously.

Mr. Bowe summarized Item 2, motion for judgment on the pleadings, which was converted to a motion for summary judgment. Mr. Bowe recommended denial of the motion and further discussion took place. Mr. Shanahan MOVED that the Board accept Mr. Bowe's recommendation and deny the motion. Mr. Fishbaugh SECONDED the motion. The motion CARRIED with a unanimous VOTE.

Mr. Bowe explained the last item on this issue, DEQ's motion for summary judgment. Mr. Fishbaugh MOVED that the Board accept Mr. Bowe's recommendation and grant summary judgment to DEQ. Mr. Shanahan SECONDED the motion. The motion CARRIED with a unanimous VOTE.

Dr. Smith, Acting Chairman, called for a motion to authorize him to sign the order. Mr. Shanahan so MOVED. Ms. Brooke SECONDED the motion. The motion CARRIED with a unanimous VOTE.

Mr. DeJana complimented Mr. Bowe and Mr. Madden on their professionalism through the process.

Chairman Russell rejoined the group.

Mr. Hudson inquired of Chairman Russell and the Department as to what would be done to prevent the same thing from happening again. Chairman Russell said in his opinion it should be addressed in the preliminary plat process.

Bonnie Lovelace explained the state review process. She said when the counties sign off on something, the Department does not undertake a long review process that duplicates the county review. She said the Department operates under a rule that requires review of 10 percent of the county reviews performed under contract. Further, the Subdivision program personnel notify the counties about deficiencies in their review and offer technical assistance to improve the quality of reviews.

Ms. Lovelace said it very seldom happens that the Department gets to the point of revocation. She said most of the forms have been updated and so she felt this issue was handled. She assured the Board that she would look again at the issue.

6. In the matter of the Notice of Violation and Statement of Proposed Penalty issued to **Mission Valley Concrete Industries, Inc. (BER 2003-11 OC).**

Mr. Bowe said the parties have been discussing settlement, but the settlement papers were not yet in final form. He said he would expect the papers to be ready for the December meeting.

IV. GENERAL PUBLIC COMMENT

Chairman Russell asked if there was anyone from the public who would like to make comments to the Board. No one responded.

Mr. Livers handed out copies of the Department's report to the Environmental Quality Council on enforcement and compliance activities.

Dr. Smith commented that it was reassuring to him to see the emails of enforcement action on a regular basis and Chairman Russell concurred.

V. ADJOURNMENT

Ms. Brooke MOVED to ADJOURN. Mr. Fishbaugh SECONDED the motion. The meeting adjourned at 12:08 p.m. by unanimous VOTE.

Board of Environmental Review September 26, 2003 Minutes Approved:

JOSEPH W. RUSSELL, M.P.H.
CHAIRMAN
BOARD OF ENVIRONMENTAL REVIEW

DATE